

**DECLARATION FOR UTILITY PATENT APPLICATION**

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND COMPOSITIONS TO MODULATE EXPRESSION IN PLANTS, the specification of which is attached hereto unless the following box is checked:

☐ was filed on January 19, 2001, as United States Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing<br>(day/month/year) | Priority Claimed?  |
|-----------------|---------|------------------------------------|--|
| *               |         |                                    | <input type="checkbox"/> Yes <input type="checkbox"/> No |

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date   |
|------------------------|---------------|
| 60/177,468             | Jan. 21, 2000 |

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No | Filing Date   | Status   |
|-----------------------|---------------|--|
| 90/620,897            | July 21, 2000 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

We hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Laurie A. Axford (Reg No. 35,053)  
Joseph Barrera (Reg No. 44,522)  
Shantanu Basu (Reg No. 43,318)  
Frank P. Becking (Reg No. 42,309)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)  
Kenneth R. Glick (Reg No. 28,612)  
Douglas G. Hodder (Reg No. 41,840)  
Peter Hsieh (Reg No. P-44,780)  
Madeline I. Johnston (Reg No. 36,174)  
Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Kawai Lau (Reg No. 44,461)  
Lisa E. Marks (Reg No. 44,901)  
Gladys H. Monroy (Reg No. 32,430)  
Kate H. Murashige (Reg No. 29,959)  
Irene T. Pleasure (Reg No. 45,506)  
Paul J. Riley (Reg No. 38,596)  
Debra A. Shetka (Reg No. 33,309)  
Rebecca Shortle (Reg No. 47,083)  
Stanley H. Thompson (Reg No. 45,160)  
E. Thomas Wheelock (Reg No. 28,825)  
Thomas G. Wiseman (Reg No. 35,046)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

Sanjay S. Bagade (Reg No. 42,280)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Thomas Chuang (Reg No. P-44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Debra J. Glaister (Reg No. 33,888)  
Johnney U. Han (Reg No. 45,565)  
Charles D. Holland (Reg No. 35,196)  
Wayne Jaeschke, Jr. (Reg No. 38,503)  
Richard D. Jordan (Reg No. 33,519)  
Ararat Kapouytian (Reg No. 40,044)  
Cameron A. King (Reg No. 41,897)  
Rimas T. Lukas (Reg No. 46,451)  
Michael J. Mauriel (Reg No. 44,226)  
Philip A. Morin (Reg No. P-45,926)  
Martin M. Noonan (Reg No. 44,264)  
Catherine M. Polizzi (Reg No. 40,130)  
Robert Saltzberg (Reg No. 36,910)  
Terri Shieh-Newton (Reg No. 47,081)  
Kevin R. Spivak (Reg No. 43,148)  
Michael R. Ward (Reg No. 38,651)  
Todd W. Wight (Reg No. 45,218)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

Please direct all communications to:

Peng Chen  
Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332

Please direct all telephone calls to Peng Chen at (858) 720-5117.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|      |                      |  |
|------|----------------------|--|
| Date | Name:                | Carlos F. BARBAS, III                          |
|      | Residence:           | Solana Beach, California                       |
|      | Citizenship:         | United States of America                       |
|      | Post Office Address: | 755 Pacific Surf Drive, Solana Beach, CA 92075 |

|      |                      |  |
|------|----------------------|--|
| Date | Name:                | Justin T. STEGE                                    |
|      | Residence:           | San Diego, California                              |
|      | Citizenship:         | United States of America                           |
|      | Post Office Address: | 6931 Worchester Place, San Diego, California 92126 |

|      |                      |   |
|------|----------------------|---|
| Date | Name:                | Xueni GUAN  |
|      | Residence:           | San Diego, California                                     |
|      | Citizenship:         | People's Republic of China                                |
|      | Post Office Address: | 12524 Caminito Vista Soledad, San Diego, California 92130 |

|      |                      |  |
|------|----------------------|--|
| Date | Name:                | Bipin DALMIA                                   |
|      | Residence:           | San Diego, California                          |
|      | Citizenship:         | India  |
|      | Post Office Address: | 7353 Mannix Court, San Diego, California 92129 |